## **BEFORE**

## THE PUBLIC SERVICE COMMISSION OF

## SOUTH CAROLINA

DOCKET NO. 2008-442-T - ORDER NO. 2009-368

JUNE 9, 2009

IN RE:	Revisions to 26 S.C. Code Ann. Reg. 103-	)	ORDER RULING ON
	181 and 103-220.	)	ADDITIONAL
		)	<b>MISCELLANEOUS</b>
		)	TRANSPORTATION
		)	REGULATIONS

This matter comes before the Public Service Commission of South Carolina ("Commission") for consideration of promulgation of various revisions to the transportation regulations of the Commission. In the State Register, the proposed regulations, a Statement of Need and Reasonableness for the regulations, and a Preliminary Fiscal Impact Statement were published. This Commission also published a Notice of Public Hearing, which stated that the Commission had scheduled a hearing for April 22, 2009 at 10:30 a.m. to take place in the Commission's Hearing Room.

A hearing was held on April 22, 2009 at 10:30 a.m. in the Commission's Hearing Room with the Honorable Elizabeth B. Fleming, Chairman, presiding. All jurisdictional documents were submitted into the record as a Hearing Exhibit, which was admitted into evidence. Jocelyn Boyd, Deputy Clerk, outlined the proposed regulations.

Pursuant to evidence presented at the hearing, we promulgate the deletion of Regulation 103-181 and the modifications to Regulation 103-220. Regulation 103-181 addresses the issue of workers' compensation insurance, which is an unnecessary duplication in light of the statutory provisions found in Title 42 of the South Carolina

Code Annotated. The proposed changes to Regulation 103-220(d) clarify that the lessee

of a leased vehicle has the exclusive possession, control, and use of leased vehicles and

that the lessee is responsible for procuring insurance for the duration of the contract,

lease, or other arrangement. Additionally, the proposed changes provide that the

contract, lease, or other approved arrangement shall specify that the lessee has exclusive

possession, control, and use of the power unit and that the lessee must procure insurance

for the leased vehicle for the duration of said agreement. We believe that clarification of

this regulation is helpful to all persons involved with the lease of power units.

IT IS THEREFORE ORDERED THAT:

1. Proposed Regulation 103-181 is deleted, and Regulation 103-220 is

promulgated as proposed. These changes to the regulations shall be submitted to the

General Assembly for review pursuant to State law.

2. This Order shall remain in full force and effect until further order of the

Commission.

BY ORDER OF THE COMMISSION:

Elizabeth B. Fleming, Chairman

ATTEST:

John E. Howard, Vice Chairman

(SEAL)